

Order

Michigan Supreme Court
Lansing, Michigan

December 13, 2006

Clifford W. Taylor,
Chief Justice

131854

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 131854
COA: 267481
Lapeer CC: 00-007103-FC

JEFFREY ALAN MAXON, SR.,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the July 26, 2006 judgment of the Court of Appeals is considered. We DIRECT the Lapeer County Prosecuting Attorney to answer the application for leave to appeal within 28 days after the date of this order. The prosecutor shall pay particular attention to the defendant's contention that the Lapeer Circuit Court sentenced him under the judicial sentencing guidelines rather than under the applicable legislative sentencing guidelines, MCL 777.1 *et seq.*

The application for leave to appeal remains pending.

KELLY, J., would remand this case for resentencing.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 13, 2006

Corbin R. Davis

Clerk